

Lewis County Planning Commission **Public Hearing**

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

November 13, 2012 - Meeting Notes

Planning Commissioners Present: Jim Lowery, Mike Mahoney, Russ Prior, Arny Davis, Richard Tausch, Clint Brown

Planning Commissioners Excused: Bob Guenther

Staff Present: Glenn Carter, Stan May, Lynn Deitrick, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from October 9, 2012
- Staff Report – Remand (Gastfield property)
- Maps of Gastfield property
- Staff Report – Hampton Lumber
- Maps of Hampton Lumber
- Staff Report – Forecastle (Mineral Lake)
- Maps of Forecastle property
- Staff Report – Boundary Line Adjustment (BLA)
- BLA Existing language BLA
- BLA Proposed language

1. Call to Order

Chairman Lowery called the meeting to order at 6:00 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

There were no changes or corrections to the agenda and it was approved.

3. Approval of Meeting Notes from October 9, 2012

There were no corrections to the meetings notes and they were approved.

4. Old Business

A. Public Hearing on Comprehensive Plan Amendments

Chairman Lowery opened the public hearing at 6:05 and recognized Mr. May.

Mr. May spoke to the Gastfield property and stated the planning commission originally recommended against rezoning because it appeared rezoning would create a spot zone. The Board of County Commissioners remanded it back, requesting another review. There are no prime soils on the property; the soils are prime if drained but they are not and have not been drained and there is an affidavit stating that fact. There are steep slopes on parts of the parcel and the properties on either side that mirror the characteristics are not being farmed even though they are part of a larger farm. Across the highway

there are about 10 lots that are developed residential and smaller than 20 acres. Because of these conditions, staff determined that rezoning would not create a spot zone. The property went into ARL in 2009 and should never have been included in ARL. The recommendation is to rezone to RDD-10.

Commissioner Mahoney asked if the RDD-10 designation would be the same as the property to the northeast. Mr. May stated that was correct. Originally Mr. Gastfield requested RDD-5 zoning. Prior to the ARL designation it was zoned RDD-10, which is appropriate in that area.

Commissioner Mahoney then asked if the properties immediately to the east and west are similar and would those be looked at along with the Gastfield property.

Mr. May stated the property to the east is separated by the road from the larger farm; it is all one parcel. He did not anticipate that it would ever come up for rezone because the owners are happy with the farm, even though that portion is not actively being farmed. The property to the west is the same situation. It is part of a 300-acre farm that goes north.

Chairman Lowery agreed that a problem with zoning should be corrected. The last time it was considered it was considered a spot zone. Chairman Lowery asked if there was a piece of property right in the middle of ARL and not farmable, could that zone be changed without it being a spot zone.

Mr. Carter stated if it is a separate parcel and has no prime farmlands on it then it would not be a spot zone. It would satisfy the appearance of fairness test because it is fair that a piece of property that is not farmable not be declared as farmland. It also satisfies the due process. A spot zone is when you do not apply the same criteria to the parcel in question as you do to the parcels around it. In the hypothetical case, you are applying the same criteria and that parcel would not satisfy the agricultural designation.

Chairman Lowery stated some of the Gastfield paperwork shows RDD-5. Mr. May stated the original application was for RDD-5; the staff report recommends RDD-10 and RDD-10 would serve Mr. Gastfield's purposes.

Chairman Lowery asked for public comment. There was none.

Mr. May stated Hampton Lumber was rezoned last year and during the process it was not rezoned to what was originally requested. As required by the BOCC, the applicant did a survey and realigned the parcels and the boundaries are now correct. Part of it will go out of Small Town Mixed Use (STMU) and back into Small Town Industrial (STI) and part of the industrial will go back to STMU.

Chairman Lowery asked for comments. There were none.

Mr. May stated the Forecastle property in 2010 was reclassified from Forest Resource Land of Commercial Significance to Forest Resource Land of Local Importance. This was challenged and went to the Grown Management Hearings Board (GMHB); Lewis County lost and filed a motion for reconsideration which was denied. Lewis County then went to Superior Court and the Court upheld the GMHB. The section of the ordinance [1219] that re-designated this property is to be repealed. Forecastle understands the decision and this action will get the county out of non-compliance.

Commissioner Mahoney clarified that all this does is put the property back the way it was designated before any action was taken. Mr. May stated that was correct – it will repeal section 5 of Ordinance 1219 and section G of Resolution 10-359.

Chairman Lowery asked for questions.

Mr. Ron Nilson, Mineral, stated he hoped the Planning Commission would return to the original recommendation.

Ms. Roberta Church, Mineral, submitted a letter from some of her neighbors who support the decision to repeal the ordinance. Ms. Church also supports that decision. Ms. Church had copies of the covenants that were recorded by Forecastle, which was part of the ordinance. These affect about 28 tax parcels. Now that the ordinance will be repealed this is still filed with the County Auditor and will affect title insurance. The covenants talk about parts of the property being in 20-acre lots. She asked if anyone knows if something would now be recorded to get rid of the covenants and restrictions. Something needs to be done to make it clear that these covenants are based on an ordinance that has been repealed, if it gets repealed.

Mr. Carter stated by repealing the ordinance and the resolution it is no longer a legal requirement imposed by the county to file the CC & R. To the extent that they did so pursuant to a legal requirement that the county imposed, that requirement no longer exists. A property owner can file a CC & R against their property. What affect it has he cannot speak to and it may be something that is litigated in the future.

Ms. Church stated that it makes reference to 20-acre parcels which may be confusing if a person buys some of those lots. Mr. Carter stated this is a private action and the county has removed that condition. To the fact that it refers to an ordinance that has been repealed, he was not able to comment.

Mr. Nilson stated that unless something is recorded with the Auditor it will create a lot of confusion with title companies and potential buyers if there is nothing to counter it. The county or Forecastle should be required to prevent this confusion.

Chairman Lowery stated the Planning Commission can only deal with the ordinance. Mr. Carter stated the Planning Commission cannot tell a private party what they can or cannot file. He stated that each of **Stacy** May's comments with respect to answering questions and making the presentation as to each of the three matters be incorporated into the testimony.

There were no other comments and Chairman Lowery closed the public hearing on the Comp Plan Amendments.

B. Public Hearing on Boundary Line Adjustment (BLA)

Chairman Lowery opened the public hearing on the BLA and recognized Mr. Deitrick.

Mr. Deitrick stated this public hearing was for a code amendment to supersede the BLA the county currently has and create new language. It came about because there were some minor issues that the

Health Department had when it reviewed applications. The new language helps to clarify. It basically states that when there are existing structures on the sites that are proposed to be in the boundary line adjustment such as septic systems or wells then Health needs to make sure there are no conflicts being created by the movement of the boundary lines. Additional clarification was added regarding the recording of the documents. On occasion staff has encountered people who have recorded the BLA plat map and never took the next step that may require them to transfer ownership if multiple parties are involved. If property changes hands later on this new language will alleviate problems.

Chairman Lowery asked if someone from Community Development looks at the BLA application. Mr. Deitrick stated a planner would review the application and route it to the appropriate parties. Chairman Lowery asked if the planner would be able to tell what county agencies need to be involved. Mr. Deitrick stated that was correct.

Commissioner Brown stated previously there was discussion about simplifying the document. He asked if any revisions have been made since August. Mr. Deitrick stated the commissioners have the revised copy which was sent electronically and mailed with the packet.

Chairman Lowery asked for public comments. There were none and he closed the public hearing.

Commissioner Mahoney stated he did not see any reason to keep the hearing open for written testimony and made a motion to have the Chairman sign and forward the letter of transmittal on the comprehensive plan amendments: Gastfield, Hampton Lumber and Forecastle with recommended changes. The motion was seconded by Commissioner Prior.

Mr. Ed Brown, Fire Commissioner District 9, asked to speak and commended the Planning Commission for the work it does. He stated people do remember what the Planning Commission's recommendations were to the County Commissioners. One of the reasons for this meeting tonight is because someone did not pay attention to the board. He commended the Planning Commission for its courage and its recommendation.

There was no other discussion and the motion carried.

Commissioner Mahoney made a motion to have the Chairman sign and forward the letter of transmittal on the boundary line adjustment as proposed. The motion was seconded. There was no discussion and the motion passed 5 to 1 with Commissioner Brown voting no.

5. New Business

There was no new business.

6. Calendar

There are no meetings scheduled at this time. The next meeting will be in January when there will be election of officers.

Commissioner Mahoney asked when the Planning Commission might get an update on the Shorelines Master Program. Mr. May stated it would most likely be in February.

Commissioner Davis asked for an update on Birchfield. Mr. May stated the BOCC would be considering impact fees on November 26. There will be a couple of things that need to be addressed for a comp plan change in February or March. The Planning Commission's role in Birchfield is finished.

7. Good of the Order

Chairman Lowery stated he appreciated the participation by the Mineral residents tonight and their testimony. He thanked Mr. Brown for his kind words.

Chairman Lowery stated Commissioner Guenther had open heart surgery recently and is doing well.

8. Adjourn

A motion was made and seconded to adjourn. Adjournment was at 6:35 p.m.